

## JUDICIARY "A"

T. T. Turnbull, Chairman.  
 J. B. Johnson.  
 R. H. Rowe.  
 J. Turner Butler.  
 W. M. Igou.  
 Lincoln Hulley.  
 W. A. Russell.  
 D. M. Lowry.  
 W. L. Weaver.

## JUDICIARY "B"

W. H. Malone, Chairman.  
 John P. Stokes.  
 James E. Calkins.  
 John S. Taylor.  
 D. E. Knight.  
 E. P. Wilson.  
 B. H. Lindsey.  
 Tom Campbell.  
 W. J. Singletary.

## EXECUTIVE COMMUNICATIONS.

W. P. Shelley, Chairman.  
 W. A. Russell.  
 John Bradshaw.  
 F. M. Cooper.  
 W. J. Crosby.

## APPROPRIATIONS.

D. M. Lowry, Chairman.  
 J. Turner Butler.  
 W. M. Igou.  
 John B. Johnson.  
 T. T. Turnbull.  
 R. H. Rowe.  
 James E. Calkins.  
 John S. Taylor.  
 Oscar M. Eaton.

Mr. Johnson moved that the Secretary order 500 copies of the Daily Journal for each day to be printed for the Senate.

Which was agreed to.

Mr. Johnson moved that the Senate do now adjourn until tomorrow at 11 o'clock.

Which was agreed to.

Thereupon the Senate stood adjourned to Wednesday, 11 o'clock A. M., April 6, 1921.

**Wednesday, April 6, 1921**

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Anderson, Bradshaw, Butler, Calkins, Campbell, Cooper, Crosby, Eaton, Epperson, Hulley, Igou, Johnson, Knabb, Knight, Lindsey, Lowry, Malone, Mapoles, Overstreet, Plympton, Rowe, Roland, Russell, Shelley, Singletary, Stokes, Taylor, Turnbull, Weaver, Wells, Wilson.—32.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 5, was corrected and approved as corrected.

Hon. W. H. Mapoles, of First District, advanced before the President and was duly sworn in as a member of the Senate by Hon. John P. Stokes, Notary Public for the State of Florida.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Eaton—

Senate Resolution No. 1:

Resolved, That the Secretary of the Senate is hereby authorized to employ one competent person whose duty it shall be to assist in the work of indexing the Senate

Journals, and to perform such other service as shall be directed by the Secretary of the Senate.

Which was read.

Mr. Eaton moved to adopt the Resolution.

Which was agreed to.

And the Resolution was adopted.

Under the provision of Senate Resolution No. 1:

The Secretary appointed Miss Stella Mae Biddle as the Index Clerk for the Senate and notified Mrs. Mary M. Meginniss, appointed by the Attorney-General as Chief Indexer of said appointment.

### INTRODUCTION OF BILLS.

By Mr. Lindsey—

Senate Joint Resolution No. 1:

A Joint Resolution Proposing an Amendment to Section 10 of Article XII of the Constitution of the State of Florida, Relating to Education.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. Johnson—

Senate Bill No. 2:

A bill to be entitled An Act for the registration of births in the several Counties of the State of Florida; fixing the fees and compensation of County Judges and carrying out the Provisions of this Act, and imposing penalties for the refusal or neglect to comply with the provisions hereof.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Johnson—

Senate Bill No. 3:

A bill to be entitled An Act to amend Section 5122, Revised General Statutes of Florida, and Section 5123, Revised General Statutes of Florida, defining the offenses of grand larceny and petit larceny and fixing the penalty for the violation of same.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Johnson—

Senate Bill No. 4:

A bill to be entitled An Act fixing the compensation and fees of the several County Judges and Justices of the Peace of the State of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Johnson—

Senate Bill No. 5:

A bill to be entitled An Act fixing the qualifications of County Judges in the State of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Rowe—

Senate Bill No. 6:

A bill to be entitled An Act to provide for the recording of deeds and patents issued by the United States Government and photographic copies thereof, and to provide for their use and the use of certified copies of the record thereof in evidence in the Courts of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary A.

Mr. Hulley moved that the Rules governing the Senate in 1919 be the Rules of the Senate of 1921 until such be amended, changed or endorsed by the Committee on Rules and Procedure.

Which was agreed to.

By Mr. Lowry—

Senate Bill No. 7:

A bill to be entitled An Act regulating the payment of the per diem and mileage and expenses of members of the Legislature and the per diem of employees of the Legislature.

Which was read the first time by its title.

Mr. Lowry moved that the rules be waived and that Senate Bill No. 7 be read the second time by its title.

Which was agreed to by a two-thirds vote.

And the bill was read the second time by its title.

Mr. Lowry moved that the rules be further waived and

that Senate Bill No. 7 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 7 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Messrs. Anderson, Bradshaw, Butler, Calkins, Campbell, Cooper, Crosby, Eaton, Epperson, Hulley, Igou, Johnson, Knabb, Knight, Lindsey, Lowry, Malone, Mapoles, Overstreet, Plympton, Rowe, Roland, Russell, Shelley, Singletary, Stokes, Taylor, Turnbull, Weaver, Wells, Wilson—32.

Nays—None.

So the bill passed, title as stated.

Mr. Malone moved that the passage of Senate Bill No. 7 be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote.

And the same was ordered to be certified to the House of Representatives.

By Mr. Lowry—

Senate Bill No. 8:

A bill to be entitled An Act to provide for the creation of a Budget Commission, the preparation and review of estimates for expenditures and revenue, and to establish a Budget System for all State expenditures and to make an appropriation for the expenses thereof.

• Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Mr. Butler—

Senate Joint Resolution No. 9:

A Joint Resolution proposing an amendment to Article V of the Constitution of the State of Florida, relative to the Judiciary Department.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

The following message from the Attorney-General of Florida was received and ordered to be spread upon the Journal:

# STATE OF FLORIDA.

OFFICE OF THE ATTORNEY-GENERAL.

Tallahassee, April 5, 1921.

*Hon. W. A. MacWilliams,  
President of the Senate,  
Tallahassee, Fla.*

*Sir:*

In compliance with the provisions of Section 104 of the Revised General Statutes of Florida, I hereby recommend Mrs. Mary M. Meginniss as a person experienced in indexing to supervise and assist the respective clerks of each branch of the Legislature having such work in hand in making the index for both the Journal of the Senate and the Journal of the House of Representatives.

Very respectfully,

RIVERS H. BUFORD,  
Attorney-General.

Also the following message from the Attorney-General was received and ordered to spread upon the Journal:

# STATE OF FLORIDA.

OFFICE OF THE ATTORNEY-GENERAL.

Tallahassee, April 5, 1921. \*

*Hon. W. A. MacWilliams,  
President of the Senate,  
Tallahassee, Fla.*

*Sir:*

Under the provisions of Section 13, Article V of the Constitution of Florida, I herewith transmit to the Senate of the Florida Legislature, Session 1921, certain recommendations proposing amendments to existing laws and the enactment of additional laws which I deem expedient.

Very respectfully,

RIVERS H. BUFORD,  
Attorney-General.

ATTORNEY GENERAL.  
STATE OF FLORIDA,

Tallahssee, Fla., April 5th, 1921.

*To the Legislature of the State of Florida:*

In compliance with Section 13, Article V of the Constitution of the State of Florida, I herewith transmit certain recommendations as to legislation for the consideration of this honorable body.

On the First day of February, 1921, I addressed a letter to each of the Circuit Judges of the respective circuits of the State of Florida, requesting each of them to kindly submit to this office any proposals, which they deemed proper for the amendment of any existing laws, and for the enactment of any new statute which might be needed.

Upon this request I have received from six of the Circuit Judges of this State certain recommendations, and that you may have the full benefit of their suggestions I attach hereto a copy of the letters containing these suggestions.

Jacksonville, Fla., March 9th, 1921.

Hon. Rivers H. Buford,  
Attorney General,  
Tallahassee, Fla.

Dear Mr. Buford:

In compliance with Section 13 of Article 5 of the Constitution of this State, Judge Simmons and I respectfully report to you the following defects in the laws which have been brought to our attention, and suggest to you the following amendments and additional legislation:

1. We recommend that the law with reference to court reporters be so amended as to make the court reporter subject to the order of the trial judge in civil cases the same as is now provided in criminal cases; that his fees be taxed as costs in the case, where the reporter is assigned to take it by the trial judge; and that such costs be paid by the county. Then, that these costs be taxed as other costs against the losing party in a case, and,

when collected in the cause, that the same be paid over to the county treasurer to reimburse the county for the payment of reporters. Under the present law, unless one or the other of the parties to a cause requests the reporter in writing, in a civil case, there is no stenographic report of the testimony. In courts with a large number of cases to try, it is physically impossible for the Judge so to charge his mind with all the evidence in any case, and all the rulings that they may be made thereon, so as to be able to reproduce such evidence, his rulings and exceptions taken; so that the case may be fairly reviewed by an appellate court on the bill of exception. Our view was shared by our predecessor on the bench, Judge R. M. Call.

2. We suggest that Section 5051 of the Revised General Statutes be amended by adding to the penalty prescribed therein these words "or for such term of years in the State prison as the court may direct." We make this suggestion as there are sometimes cases in which the life penalty is unjust. We speak particularly with reference to those cases in which only negroes are involved. While the offender is guilty according to the statute, still there are such extenuating circumstances as to make a life sentence unjust.

3. We suggest that the legislature fix the situs for the purpose of taxation of the estate of a decedent.

4. We suggest that Section 3135 of the Revised General Statutes regarding evidence in chancery be so amended as to allow testimony to be taken directly before the Court and not make it essential for such testimony to be taken down in writing and filed in the case, unless by order of the court or by request of one or the other of the parties to the cause. We believe that a great saving in time and expense would be had if these chancery cases could be tried, under appropriate rules by the Supreme Court, as common law cases, directly before the Court.

5. We deem it of essential importance to the State that such laws be passed as will enable the Florida Industrial School for Boys to carry out the objects for which the school was created as embodied in Section 6298 of the Revised General Statutes, to-wit: The making such reform school not simply a place of correction, but

a reform school, where the young offender of the law, separated from vicious associates, may receive careful physical, intellectual and moral training, be reformed and restored to the community with purposes and character fitting for a good citizen, an honorable and honest man, with a trade or skilled occupation fitting such person for self-maintenance.

6. We suggest that a statute be passed providing that upon the investigation of a death caused by violence or unnatural cause, of murder, rape, or assault with intent to commit rape, or where a person is charged with any such crime, the Justice of the Peace as ex officio Coroner, the committing Magistrate presiding at the preliminary hearing, and the Judge of the Court upon the trial of the cause, shall in the discretion of the Judge, or Justice of the Peace, before whom such hearing or trial shall be had, have power and authority, upon the request of the State of Florida, through its prosecuting officer, or of the defendant, to require from any person testifying or summoned to testify at such hearing, or trial, a good and sufficient bond for the appearance of such person at any subsequent hearing or trial of a cause involving the subject matter of such charge, investigation, preliminary hearing, or trial, and that in default of the giving of such bond such Judge, or Justice of the Peace, shall, in his discretion, have the power and authority to commit said person to the custody of the sheriff of the County in which such investigation, hearing, or trial, may be had, to be held by such sheriff pending such investigation, hearing or trial, or until the giving of such bond.

7. We would suggest that some statute be passed authorizing and requiring the several counties to pay mileage of witnesses in behalf of the State in capital cases from points beyond the territorial limits of the State in cases where such witness, or witnesses, voluntarily attend the trial of such case, or any hearing therein, at the request of the State Attorney.

8. Many statutes provide that certain things shall be done within a limited time and many contracts give an option or require a performance within a fixed period of time. Frequently the last day of performance under the statute or the contract falls on a Sunday or legal holiday. The rules of court and certain statutes, among them the Negotiable Instrument Act, prescribe that the

time fixed shall be extended under such circumstances to the next succeeding day.

A general statute covering contracts and statutes should be enacted to meet this contingency. I would suggest that this statute be modeled on the language used in the Negotiable Instrument Act.

Respectfully submitted,

(Signed) DAN'L A. SIMMONS,  
GEORGE COUPER GIBBS,  
Judges.

Jasper, Fla., March —, 1921.

Hon. Rivers H. Buford,  
Attorney General of Florida,  
Tallahassee, Florida.

My Dear Sir:

In obedience to the requirements of Section 13, Article V, Constitution of Florida, I beg leave to submit, for your consideration, my suggestions as to such amendments and additions to the laws of Florida as I consider advisable at this time.

1. I suggest that Section 3117, Revised General Statutes, be amended to read as follows:

"In case of foreclosure.—In the foreclosure of any mortgage the original mortgage or a copy of the same shall form a part of the bill of complaint for the foreclosure of such mortgage."

I can see no good purpose or reason for requiring the complainant to incur the expense of a "certified copy" of such mortgage, as the copy is only filed for information to enable the defendant to properly plead to the bill of complaint.

2. I suggest that Section 3405, Revised General Statutes, be amended by striking out the words "the possession of which has remained in the debtor."

This statute in its present wording is of little value, as an attachment in aid of foreclosure is seldom necessary where the property has remained in the possession of the debtor. With said words omitted, attachment would often be of much value where the debtor has parted with the possession of the mortgaged property.

3. I suggest that Section 2496, Revised General Statutes, be amended so as to designate in what county the mortgage should be recorded. Often the property is located in one county and the mortgage executed in another county. There should be a fixed place for the recording of such mortgages, so that all parties interested, or who might become interested, in the property will be protected in their rights.

4. I suggest that there should be enacted a law providing for the recording of United States Patents to lands. At present we have no such law, and a patent that is recorded is of no value so far as using the record or a certified copy thereof as evidence.

5. Section 3076, Revised General Statutes, among other things, requires the Clerk of the Circuit Court to keep

*"A Chancery Order Book, in which shall be entered all orders and decrees taken in chancery, including those required to be signed by the judge exclusively."*

Section 3160, Revised General Statutes, provides that "Decrees in equity may be signed by the Judge when pronounced and shall be recorded upon *the minutes of the court* without any other enrollment. And no process shall be issued or other proceedings had upon any final decree or order until the same shall have been signed and recorded as aforesaid."

These two sections above quoted would seem to require all decrees signed by the Judge in Chancery matters to be recorded both in the Chancery Order Book under Section 3076, and in the Circuit Court Minute Docket under Section 3160.

Litigants should not be put to the expense of having to pay for recording a decree or order of the court in both books.

6. I suggest that there should be a law fixing the limitation of the time in which an outstanding tax certificate, in the hands of a person other than the State of Florida, would be valid. The Legislature has on several occasions, enacted laws cancelling outstanding tax certificates held by the State, thus removing such as liens against property. But there are tax certificates, that their records show are held by individuals, and as tax

liens against property, and the certificates are so old that it is impossible to locate the holders thereof. Any person acquiring a tax certificate against land should be required to acquire a tax deed thereon within a specified time, and if he fails to do so, the certificate should become void.

7. I suggest that Sections 3107 and 3110, Revised General Statutes, be amended by substituting the word "summons" in each of said Sections for the word "subpoena" where the word "subpoena" appears in said Sections, as by Section 3109 Revised General Statutes, we now have *summons* in chancery instead of subpoena in chancery.

8. I suggest that Section 3211, Revised General Statutes, should allow writs of garnishment to issue in chancery matters, at the discretion of the court, upon proper showing, and that the issuance of such writ, and the proceedings thereon be in substance similar to our present laws (Sections 3446-7 Revised General Statutes) regulating the issuance of writs of garnishment in law actions before judgment.

9. I suggest an amendment to Section 3252, Revised General Statutes. This Section, while under the subdivision of "Writs of Fi. Fa" covers only Writs of Fi Fa *issued upon Lost or Destroyed Judgments*. The section covers a condition which would hardly ever arise, that is, a loss and destruction of both writ fi fa *and* the judgment. It should be amended to cover lost or destroyed writs of fi fa issued upon any judgment and also cover a lost or destroyed judgment. It should not be limited, as at present, to a *lost execution upon a lost judgment*.

10. I suggest that Section 5012, Revised General Statutes, be amended by substituting the word "ten" for the word "two" in said section. This would necessitate the amending of Section 5011 Revised General Statutes also to meet this change.

11. I suggest that the statute of limitations, Section 5011, Revised General Statutes, be amended so as to provide that any prosecution under Chapter XL, Offenses against the Suffrage, Article 1 as embraced in Sections 5873 to 5936 Revised General Statutes inclusive, may be had within ten years.

It is very important that we protect and make pure our ballot box.

12. I suggest that Concealing the Death of a Bastard Child, covered by Section 5048, Revised General Statutes, be made a felony, so that accessories may be punished and attended to.

13. I suggest the amendment of Section 5057 Revised General Statutes so as to permit the imposition of a fine also.

14. I suggest that an Aggravated Assault, covered by Section 5061, Revised General Statutes, be made a felony.

15. Section 5202—Disposing of Property Under Lien—Should be amended so as to make it unlawful *only* when a fraudulent intent is alleged and proven.

16. Section 5229 Revised General Statutes should stop with the penalty. The *presumed consent* destroys the statute. It may be that automobiles, bicycles, etc., should be more specifically named in this statute.

17. I suggest the passage of a statute making it a small misdemeanor to obtain property or money *designedly* by a false promise, and with intent to injure and defraud.

18. There should be a **general statute on the subject** of misfeasance and non-feasance of state, county and *municipal officers*, and the penalty should be large, with great discretion in the court.

Very truly yours,

(Signed) M. F. HORNE.

Judge.

Miami, Fla., February 24th, 1921.

February 24th, 1921.

Honorable Rivers H. Buford,  
Attorney General,  
State of Florida,  
Tallahassee, Florida.

Dear Sir:

As required and requested, I respectfully submit the following suggestions as proper subjects for legislation:

1. An Act to prohibit divorced persons from remarrying until at least the period for appeal has expired.

2. An Act requiring that all orders as to constructive service required by law to be published, shall be published in the county seat, provided there is a proper paper published in the county seat.

3. An Act to require that all affidavits for constructive service show that the affiant has caused process to be issued and returned not served according to law, and that the affiant has made diligent inquiry to ascertain the absent ones' last known address, giving house number and street name, else to be treated as unknown and the longer publication required.

4. An Act to require that all orders for constructive service against an absent husband or wife in divorce proceedings be published in the county seat of the county of residence of the complainant, provided a proper paper is published in the county seat, if not in some paper in the county of residence of complainant.

5. An Act to require that all testimony in all divorce proceedings for final decree be taken before the court; and that the official court reporter be allowed a certain sum for taking the same and that he be required to transcribe the testimony and file it in said cause.

6. An Act to give courts of chancery jurisdiction to require parents to support their children in some proper proceeding to be instituted by the probation officer, County Solicitor or any person having knowledge upon affidavit of the person instituting the proceeding.

Respectfully submitted,

(Signed) H. PIERRE BRANNING, Judge.

Bradentown, Fla., February 21, 1921.

Hon. Rivers H. Buford,  
Attorney General,  
Tallahassee, Fla.

My Dear Sir:

In compliance with law, and at your request, I herewith submit my recommendations relevant to the existing state of the criminal laws of Florida.

First: Without restating them I want to refer to my recommendations made to the Attorney General two years ago, none of which were acted upon by the last Legisla-

ture, and make the recommendations then submitted a part of the recommendations now submitted.

Second: Sec. 6040, Revised General Statutes, requires witnesses to be recognized by committing magistrates to appear before the Grand Jury on the second day of the succeeding term of the Circuit Court. This section should be changed so as to require witnesses to appear on the 1st day of the term. I can't imagine any reason for delaying their appearance to the second day, because the Grand Juries take up their work immediately.

Third: A suitable statute should be framed to punish and fully cover the offense of "wire tapping" or "confidence games." Crimes of this character have been engaging the courts more or less for the last two years, and we have no statute designed to especially cover this class of crime.

Fourth: A statute should be framed providing that where defendants are held under information for any crime and there shall be in the custody of the court money or other personal property used as evidence in connection with the existing charges and such defendants shall escape custody that the money or other personal property should be forfeited to the County; and, if money paid into the County Treasury, and, if other personal property, sold and the proceeds paid into the County Treasury. The necessity of such a statute has been made apparent to me because in my circuit a raid was made on a gang of "wire tappers" resulting in the capture of a number of telephones, some telegraph equipment, and about a thousand dollars in money, then being actually used for criminal purposes. After a conviction of one of the defendants he, with his confederates, broke jail, and have not been recaptured.

Fifth: Sec. 6017, R. G. S., should be so amended as to cover prosecutions for any and all crimes, instead of the specified and particular offenses therein designated. If it is well in some classes of crime to say that a witness cannot refuse to testify on the ground that his evidence might incriminate him, and exempt him from prosecution under the evidence given, then it is difficult to see why the same rule should not apply in all cases. It so happened in my experience about a year ago that charge of larceny had to be dismissed because a witness claimed

his exemption on the ground that his testimony might incriminate him.

Sixth: Sections 1778 and 2798 should be so amended as to relieve the Circuit Judge from the duty to approve the pay rolls of witnesses and jurors. It is totally absurd to expect, and wholly impossible for the Circuit Judge to keep up with the attendance of jurors or witnesses, and especially the witnesses before a Grand Jury; and why should a Circuit Judge be required to certify matters he knows nothing about except in the most general way. Necessarily such matters have to be left to the Clerk.

Seventh: Sec. 5061, General Statutes, which defines "aggravated assault" should be changed. By eliminating the words "not having a premeditated design to effect the death of the person assaulted" and substitute such other suitable words as will enable a jury to distinguish between what facts constitute aggravated assault and what facts constitute an assault with intent to commit some degree of homicide less than murder in the first degree. The Supreme Court has labored to make this distinction plain, but I confess I do not understand it so that I can state it to a jury intelligently, and the result is that in prosecutions for assault with intent to kill convictions of aggravated assault frequently occur when the party should be convicted of assault with intent to commit some degree or grade of unlawful homicide lower than murder in the first degree.

Very respectfully submitted,

(Signed) O. K. REAVES.

Bradentown, Fla., March 19, 1921.

Hon. Rivers H. Buford,  
Attorney General,  
Tallahassee, Fla.

Dear Mr. Buford:

The strength or weakness of criminal statutes, like other rules of conduct, are developed by circumstances. I have just had a new experience in the trial of two defendants jointly indicted for arson. They came into court represented by three lawyers, two announcing that

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they represented one defendant, the other announcing that he represented the second defendant. After the close of the State's case certain witnesses were put on the stand on behalf of one defendant and questioned by his lawyers, the lawyer for the other defendant disclaiming that they were his witnesses, but, notwithstanding, he claimed the right to cross examine them so far as their testimony related to his client; and then, of course, at the conclusion of all the testimony the attorney for the defendant in whose behalf no witnesses had been introduced claimed the closing argument.

The defense relied upon by the two men was identical; and, having been State Attorney for so many years, you will quickly grasp the method by which the statute allowing defendant's counsel the closing argument when he introduces no witnesses except the defendant himself was manipulated to defeat the purpose of the statute, and to the manifest advantage of both defendants.

In view of these circumstances I write to suggest that the Legislature should, by all means, amend Section 6081, R. G. S., I think, by adding to the Statute as it now is a proviso substantially as follows would accomplish the purpose, viz: "Provided that where two or more defendants are tried together, and any one of them offers testimony in addition to his own, the State shall have the closing argument unless, in the opinion of the trial Court, the ground of defense as between the several defendants shall be wholly separate and distinct."

I may say that I do not think the conduct of the attorneys was ethical if they, in fact, manipulated the case so as to give them the stated advantage, but if it be true that one defendant did employ one man and the other defendant the other two men, and the arrangement was not a lawyers manipulation, I see no ground upon which the practice can be criticised; but whether the one or the other the trial Court can not be expected to know, and the Statute should make manipulation to the end indicated impossible.

Very respectfully yours,

(Signed) O. K. REAVES.

Bradentown, Fla., January 28, 1919.

Hon. Van C. Swearingen,  
Attorney General,  
Tallahassee, Fla.

Dear Sir:

It is made the duty of the judges of the Circuit Court by Sec. 13, Art. V, of the Constitution of Florida, to report to the Attorney General at least thirty days before each session of the Legislature "such defects in the laws as may have been brought to their attention, and to suggest such amendments or additional legislation as may be deemed necessary." I therefore beg to report, and to suggest, the following:

First: Section 3966 of the General Statutes relating to embezzlement, after providing that a general allegation of the embezzlement in the indictment shall be sufficient, and that the particulars of such embezzlement need not be stated, says: "On the trial, evidence may be given of such embezzlement — — committed within six months after the time stated in the indictment."

I have seen two good state attorneys, one aided by private counsel, who, in drawing indictments, charged the offense as having been committed on the day the shortage was discovered. Naturally this date was subsequent to the last act of embezzlement. At the trial (and in neither case was the error discovered until the trial) the proof being confined to within six months after the time stated in the indictment, the defendants were necessarily acquitted. It is natural that state attorneys drop into this error, unless they have had experience with this particular statute because in other cases the proof may cover a range of two years before the finding of the indictment. I see no good reason for restricting the evidence in embezzlement cases within so narrow a limit; and it certainly operates to turn loose many defendants upon "a technicality." I therefore recommend that this statute be so amended as to permit the proof of acts of embezzlement at any time within two years before the indictment is found; thereby conforming to the Statute of Limitations applying to other crimes.

Second: No witness should be excused for testifying on the ground that his testimony would tend to incriminate him, but the statute should protect the witness against the use of the testimony so given against him. This has been done in certain cases of crime and should be done in all. One case came under my observation recently where three parties went before a Grand Jury voluntarily and told the story of a theft in which others were involved, but before the trial two of the three ran away, and the other refused to testify against one of his confederates then on trial because the testimony would tend to incriminate him (the witness). I submit the statute should make it impossible to thus trifle with the courts.

Third: I believe the effectiveness of the Criminal Laws of Florida is greatly lessened by the power of the Board of Pardons as now exercised. The chief benefit society derives from the punishment of crimes is the deterring influence punishment has upon others criminally inclined. Therefore, to make the Criminal Laws effective, we should strive for the highest degree of certainty of punishment. Under Section 12. Article IV, of the Constitution, as amended in 1897, the Board of Pardons "may upon such conditions, and with such limitations and restrictions as they may deem proper—grant pardons after conviction"; subject only "to such regulations as may be prescribed by law relative to the manner of applying for pardons." I believe this section of the Constitution should be so amended as to deny the Board of Pardons power to grant a pardon until a proper proportion of the term of sentence has been served, (say one-half of the sentence, or in case of sentence for life a definite term of perhaps ten years) except, of course, upon the ground of newly discovered evidence. If this were done it would immensely strengthen the belief in the public mind that if men commit crime they will be punished; and would thereby deter crime. It would also save the Pardoning Board constant and ever recurring appeals to their human sympathy to which they are now subjected, and would at the same time protect the man who might be erroneously convicted if subsequent disclosures should show him innocent. Doubtless a well worded statute would substantially accomplish the desired end. While the statute might be unconstitutional it might also be

sustained as a valid regulation "relative to the manner of applying for pardons" but the Board would likely observe the statute rather than insist upon an adjudication of the point suggested.

Fourth: The law relating to change of venue on the ground of the supposed prejudice of the trial judge should be so amended as to require facts showing prejudice to be alleged as a prerequisite to the granting of the motion. The dissenting opinion of Judge Simmons concurred in by Justice Whitfield in the recent case of *Blackwell vs. State*, 79 So. 731, is complete and convincing on this point. The present statute as construed by the majority of the court is mischievous. It is ridiculous to allow a defendant to claim a change of venue, thus delaying his trial indefinitely, simply by swearing that "he fears he will not receive a fair trial \* \* \* on account of the prejudice of the judge," when no facts are alleged to show that the judge is prejudiced and in all human probability he is not because he has no interest except to discharge his duty that justice may be done.

Yours very truly,

(Signed) O. K. REAVES,

*Judge Sixth Circuit.*

Arcadia, Florida, March 21, 1921.

Hon. Rivers H. Buford,  
Attorney General,  
Tallahassee, Fla.

Dear Sir:

Replying to your letter of recent date asking that I advise you of any defects in the law that should be remedied beg to submit the following:

The Criminal Statute of limitation should be changed so that a prosecution for assault with intent to commit murder in the first degree might be commenced at any time, as is the case in capital cases. Also the law should be amended so that an assault with intent to commit rape should be punishable with death unless a majority of the jury recommend mercy. Such a change would remove all alleged excuse for mob violence in the case of negro assaults with intent to commit rape so that the

courts could deal effectively with such cases. The per diem of jurors should be raised from three to five dollars per day.

A bill should be passed permitting and directing the State Treasurer to advance to State Employees on their plain note, and at the end of each month an amount equal to the then earned part of their salary. So that instead of having to wait three months for salary already earned they might have their pay at the end of each month as they ought to have. The Constitution provides for payment quarterly, but such a rule is manifestly unjust, and it seems to me might be surrounded by allowing the Treasurer to loan to employees without interest at the end of each month the amount of their salary.

A bill should be passed permitting Circuit Judges to prohibit for a certain length of time in the discretion of the court, the remarriage of either or both of parties to whom a divorce is granted. This seems to me a very necessary law. In many instances I have found where such a power could have been used with great justice, especially where children were involved.

I do not have in mind just now any other changes which I deem expedient.

Yours very truly,  
(Signed) GEO. W. WHITEHURST.

#### SUGGESTED LEGISLATION

I would respectfully recommend the enactment of laws upon the following subjects:

##### APPEAL.

I suggest the passage of an Act which will provide that in any criminal case, where the statute under which the defendant is being prosecuted is held by the Trial Court to be unconstitutional, the State shall have the right to immediately appeal from such decision to the Supreme Court of the State of Florida, for the purpose of having the constitutionality of the statute adjudicated by the Supreme Court, and that the cause shall stand in *status quo* in Trial Court pending such decision by the Supreme Court.

#### BASTARDS.

I suggest that Section 3615, Revised General Statutes of Florida, be amended so as to provide that where the identity of the father of a bastard child is established as provided by law that such bastard child shall be entitled to take property by inheritance from the father in share equal to that of a legitimate child; and to provide that such father cannot in any wise defeat such right by will or the creation of a trust estate.

I further suggest that Section 3957, Revised General Statutes of Florida, which is an Act of 1828, be amended so as to simplify the proceedings and eliminate unnecessary technicalities in the manner of instituting bastardy proceedings.

I also suggest that Section 3959, Revised General Statutes of Florida, be amended so as to provide that the judgment of the Court shall declare the defendant to be the father of the child; and to provide for the judgment to be for the payment of a sum to be fixed by the Court upon a fair consideration of the defendant's ability to pay, but not to exceed the sum of six hundred dollars per year.

I also suggest that Section 3960, Revised General Statutes of Florida, be amended so as to make the penalty therein mentioned not to exceed five years in State Prison.

#### BOND ISSUES.

I suggest the passage of an Act providing that when a bond issue is authorized and the bonds are not executed by the proper officials then holding office, that the bonds may be executed by the lawful successors of such officials, and that this Act validate all bond issues which have heretofore been executed under such conditions.

I also suggest the passage of an Act validating all issues and sales of bonds which have occurred in this State under the action and proceedings of any County, City, Town, Municipal Corporation, or Taxing District.

## CONVICTIONS—RECORD OF.

I suggest the passage of an Act which will require the Clerk of the Board of County Commissioners of each County making a detailed report to the office of the Attorney General at the end of each quarter, showing the correct number of convictions had within the County during the current quarter, and showing the disposition of criminal cases that were handled in such County upon final trial during such quarter. I deem this very necessary because, it is not practical in any other way to provide for the compiling of the criminal statistics of the State.

## CONCEALED WEAPONS.

I suggest that the proviso which appears in Sections 5095 and 5100, Revised General Statutes of Florida, be amended to read as follows:

"Provided that nothing in this Section shall be considered as applying to Sheriffs, Deputy Sheriffs, City and Town Marshals, Policemen regularly on duty, or Policemen actually employed and paid for services by a Municipality, or Constables, or United States Marshals, or their Deputies."

## CLOSING ARGUMENT IN CRIMINAL CASES.

I suggest that Section 6080, Revised General Statutes of Florida, be amended so that where two defendants are being tried jointly, one defendant will not be allowed to claim the right to introduce testimony applying to both defendants and then the other defendant claim the right of closing argument, thereby getting both the advantage of all available testimony and also the advantage of the closing argument.

## CONFLICTS IN STATUTES.

I have had occasion to observe two subjects upon which the Revised General Statutes presents conflicting provisions. The first is:

Section 1007, Revised General Statutes of Florida, Volume One, provides in part as follows:

- (c) "Name of the county in which he resides, and a statement that he is over sixteen years of age."

Section 1016, Revised General Statutes of Florida, Volume One, provides as follows:

"No person shall operate or drive a motor driven vehicle who is under fourteen years of age, unless such person is accompanied by a duly licensed chauffeur, or by the owner of the motor vehicle being driven."

Section 1024, Revised General Statutes of Florida, Volume One, provides in part as follows:

"Such application shall be verified and shall state the age of the applicant, and no license shall be issued to any person under the age of eighteen years."

The other is in regard to license fees required of hotels and boarding houses:

Section 842 of the Revised General Statutes of Florida, provides for the payment of an occupation tax based upon the number of lodgers or boarders, which may be cared for in the hotel. Section 2127, Revised General Statutes of Florida, provides for the payment of a license tax to be based upon the number of rooms contained in the hotel or boarding house.

These provisions are in direct conflict with each other, and such confliction should be eliminated.

## CRIMINAL ASSOCIATION.

I suggest the passage of an Act which will prohibit any person of more than twenty-one years of age lewdly or lasciviously touching or handling the sexual organs of any person under fourteen years of age; and also to prohibit any person of more than twenty-one years of age, lewdly or lasciviously allowing any person under fourteen years of age to touch, or handle, the private parts or sexual organ of such person so being over twenty-one years of age.

## DECLARATORY JUDGMENTS.

I suggest the passage of an Act which will authorize the Circuit Courts and the Supreme Court of the State of Florida to pronounce declaratory judgments in cases of actual controversy within the scope of their respective jurisdiction, thereby making binding adjudications of right, whether or not consequential relief at the time could be claimed. Also providing that controversies involving the interpretation of deeds, wills and other instruments of writing, statutes, municipal ordinances and other governmental regulations may be so determined by such Courts.

## DECLARATIONS OF TRUST.

A great many people in Florida are establishing business organizations under DECLARATIONS OF TRUST, which method of doing business presents many attractive features, one of which is, that the promoters are not required to comply with any statutory provision and are not required to procure any permit from any state authorities to do business and are not required to pay any charter fees, all of which things are required of persons organizing and conducting corporations.

I therefore, suggest the passage of an Act regulating the creation and management of business associations proposing to operate under DECLARATIONS OF TRUST.

## DIVORCE.

I wish to call your attention to the fact that the promiscuous procuring of divorces is becoming the greatest menace to the moral standard of our country, and it is my opinion that this tendency should be discouraged at every possible turn.

In my opinion divorces are entirely too easily procured under the laws of the State of Florida; and under existing practice it is quite easy for fraud and deception to be practiced upon the Courts having jurisdiction of these cases.

I therefore, suggest the passage of an Act, which will require that all testimony to be considered in divorce suits in this State shall be taken before the Judge of the

Court having jurisdiction of the cause, and that the same shall be taken down in shorthand by the Court Reporter, or some competent stenographer to be named by the Court, and that said testimony be transcribed and filed as a part of the record of such proceedings.

I further suggest the passage of an Act which will provide that the Court may make an order in any suit pending for divorce before such Court, directing the State's Attorney of the Circuit where the suit is pending to ascertain all the facts pertinent to the issue and to submit the same in writing to the Court, together with the names of the material witnesses, and providing that for such services, the State's Attorney shall receive a fee to be fixed by the Court, and to be taxed and paid as a part of the costs under direction of the Court. This statute should be framed so that the provisions would only be invoked by the Court in cases in which the Court deemed such procedure necessary.

I further suggest that Section 3191, Revised General Statutes of Florida, defining grounds for divorce be amended so as to eliminate the grounds therein contained numbered Four, Five and Six.

## EVIDENCE.

I suggest the passage of an Act which will provide that in any criminal case where a continuance is applied for, because of the non-appearance of a witness, the party making such application shall be required to set up in writing all the facts which in his opinion the said witness would swear to, and if the adverse party shall admit before the jury, that the witness if present would swear to such statement of facts, no continuance shall be granted upon that ground. But by the adverse party admitting that the witness would testify to such statement of facts, he shall not be held to thereby admit that such statement of facts is true, and shall have the privilege of proving or attempting to prove such statement of facts not true by competent testimony.

## EXTRADITION.

The volume of requisitions for extradition warrants for alleged criminals, who have taken refuge in Florida, is growing rapidly and entails considerable expense upon our State. I therefore, suggest the passage of an Act

which will provide that no warrant of extradition should be issued until a fee of \$5.00 for the same shall have been deposited with the Secretary of State of Florida, which money when received by him shall be transmitted to the State Treasurer and deposited in the General Revenue Fund of the State of Florida.

#### EMBEZZLEMENT.

I suggest the passage of an Act amending our law prohibiting embezzlement.

#### FALSE SWEARING.

I suggest the passage of an Act which will provide that any person; who, when sworn as a witness in any cause in a Court of competent jurisdiction, swears to any statement of facts, and thereafter in the same Court, or in any other Court where the same cause is at issue or being tried, shall be sworn as a witness and testifies to a statement of facts materially different from the testimony given by such witness at a former hearing, shall be deemed guilty of a felony, and upon conviction, shall be imprisoned in the State Prison not exceeding five years, or fined not exceeding Five Thousand Dollars.

#### FRANCHISE TAX.

I recommend a law which will provide for a franchise tax.

#### JURORS.

I suggest that an Act be passed providing that in the trial of criminal cases where two or more defendants are being tried jointly, the State shall be entitled to a number of peremptory challenges equal to the aggregate number of peremptory challenges which may be exercised by the several defendants.

#### LAND SWINDLERS.

I suggest the passage of an Act, which will prohibit any person from knowingly or wilfully swindling, or defrauding, any other person out of money, or of anything of value, by the sale or transfer, or the pretended sale or

transfer of any lands in the State of Florida, and providing that the prosecution for the violation of the Act may be had in any County where any matter pertaining to the transaction occurs.

#### LAND TITLES.

I suggest the passage of an Act which will provide for the adoption of the Torrens' System of land titles, or some other system closely akin to the Torrens' System.

#### LOAN SHARKS.

I suggest the passage of an Act which will effectually prohibit extortion by loan sharks.

#### MARRIAGE LICENSES.

I suggest that Chapter 7828, Acts of 1919, be amended so as to eliminate the necessity of more than one parent of each of the contracting parties consenting to the marriage of the parties. As the statute stands, both parents, if living, of both the contracting parties must give their permission for the marriage, before a license can be issued and this often causes great inconvenience, which is entirely unnecessary.

I also suggest that this Chapter be further amended, or that a new Act be passed providing that any one, who shall knowingly in any way deceive, or attempt to deceive, the County Judge as to the identity of any person applying for a marriage license shall be deemed guilty of a felony, and upon conviction, be punished by imprisonment in the State Prison not exceeding five years, or fined not exceeding Five Thousand Dollars.

#### MINOR CHILDREN.

I suggest that Section 3964, Revised General Statutes of Florida, be amended so as to provide that in the event the mother of minor children survive the father of such children, no appointment made under the provisions of this Section shall be of any force or effect unless it has the written approval of the mother; which approval shall be made and executed, if at all, after the death of the father and in the presence of two disinterested persons.

## OFFICIAL BONDS.

I suggest the passage of an Act that will require official bonds, when executed by individuals designating the amount for which each individual is bound, to be made in an aggregate sum equal to double the amount otherwise required.

## POLL TAX.

I suggest that Section 7008, Revised General Statutes of Florida, be amended by eliminating the word "male."

I suggest that Section 215, Revised General Statutes of Florida, be amended so as to eliminate the word "male."

I also suggest that division Sixth of Section 215, Revised General Statutes of Florida, be amended so as to provide that poll tax shall be paid on or before the 3rd. Saturday next preceding the date of the election, and also so as to provide that no person who became entitled to qualify as a voter in the year 1920 shall be prevented from voting because of not having paid a poll tax for that year.

## PROBATION OFFICER.

I suggest Section 2323, Revised General Statutes of Florida, be amended so that the petition to be filed as provided for in said Section may be filed by any Sheriff, Deputy Sheriff, Constable, or Prosecuting Officer.

## PROHIBITION ENFORCEMENT.

I suggest the passage of an Act which will provide for compensation to be paid to County Prosecuting Officers, who are not paid entirely by salary for their services in cases involving the enforcement of the prohibition statute and especially when required to prosecute actions involving the confiscation of property.

## RE-APPORTIONMENT.

In my opinion justice demands that legislative representation in the State of Florida should be re-apportioned, and by this Session of the Legislature. I therefore, call your attention to a basis of re-apportionment, which I have suggested in a letter addressed to Senator

T. J. Campbell, on March 18th. The suggestion which I offer for your consideration is, that the four Counties, Duval, Hillsborough, Dade and Escambia, each having a population of more than forty thousand, be allowed three members in the House of Representatives, each; that the Counties of Alachua, DeSoto, Jackson, Marion, Pinellas and Polk, each, having a population of more than twenty-five thousand, be allowed two members in the House of Representatives, each; and that the remaining forty-four Counties, be allowed one member of the House of Representatives, each.

I suggest that the State be apportioned into thirty-two Senatorial Districts, as follows, to-wit:

<i>Districts.</i>	<i>Counties.</i>	<i>Population.</i>
No. 1.	Escambia .....	49,389
No. 2.	Santa Rosa and Okaloosa.....	23,030
No. 3.	Walton and Holmes.....	34,969
No. 4.	Washington, Bay and Calhoun.....	32,010
No. 5.	Jackson .....	31,224
No. 6.	Gadsden .....	22,961
No. 7.	Liberty, Franklin and Wakulla.....	15,453
No. 8.	Leon .....	18,059
No. 9.	Jefferson and Taylor .....	25,721
No. 10.	Madison .....	16,516
No. 11.	Suwannee .....	19,789
No. 12.	Columbia and Hamilton .....	24,163
No. 13.	Baker and Nassau .....	16,962
No. 14.	Duval .....	113,540
No. 15.	Bradford and Clay .....	18,124
No. 16.	Putnam, St. Johns and Flagler.....	30,100
No. 17.	Alachua .....	30,115
No. 18.	LaFayette, Levy and Citrus.....	21,383
No. 19.	Marion .....	28,611
No. 20.	Volusia .....	23,225
No. 21.	Lake and Seminole .....	23,737
No. 22.	Sumter, Hernando and Pasco.....	21,201
No. 23.	Orange and Osceola .....	27,085
No. 24.	Polk .....	38,661
No. 25.	Hillsborough .....	87,901
No. 26.	Pinellas .....	28,265
No. 27.	Manatee .....	18,702
No. 28.	DeSoto .....	25,434

<i>Districts.</i>	<i>Counties.</i>	<i>Population.</i>
No. 29.	Brevard, Okeechobee and St. Lucie...	18,523
No. 30.	Palm Beach and Broward.....	23,789
No. 31.	Monroe and Lee .....	29,380
No. 32.	Dade .....	42,731

#### RECEIVERS.

I suggest the passage of an Act, which will prohibit any person at interest in a suit where receivership is had, being appointed receiver.

#### SPEED LIMIT.

I recommend the passage of an Act which will more definitely fix speed limits, and also prohibit any motor driven vehicle while being operated at a greater speed than at the rate of twenty-five miles per hour passing within a distance of three feet of any other vehicle.

#### STATE'S ATTORNEYS.

I suggest the passage of an Act which will give the several State's Attorneys of the State of Florida, the right to have witnesses subpoenaed to come before them for examination as to the perpetration of any unlawful act, either during the period of the Term of Court, or during vacation; that such witnesses shall be subpoenaed to appear before him in some place named in the County where the offense is alleged to have been committed; that he have authority to administer an oath to each witness, whereby each witness shall be obligated to tell the truth and the whole truth; that any witness swearing falsely on such examination shall be deemed guilty of perjury; and that the costs incident to such examination, including transcript of the testimony taken where such transcript is deemed necessary by the State's Attorney, shall be paid by the County in which the offense is alleged to have been committed.

I suggest the passage of an Act which will provide that the State's Attorney, by and with the consent of the Court, may correct any indictment by the correction of a clerical error apparent upon the face of the indictment,

provided, the correction shall be made in open Court and in the presence of the defendant, or his attorney.

I further suggest the passage of a joint resolution proposing an amendment to the Constitution, which will authorize the enactment of a law giving State's Attorneys authority to file information in the several Circuit Courts, either in or out of Term time, in the Counties which have no Criminal Court of Record, charging all felonies, except in capital cases, and providing that prosecutions may be had of offenders under such information.

#### TAXATION.

I recommend the passage of an Act which will require all Bond Trustees to deliver to the Tax Assessor the names of all persons within each County, whom they know to be owners of taxable bonds, together with the amount of bonds owned by each person.

I recommend the passage of an Act which will require every property owner in the State of Florida to swear to his tax return; that such oath be taken with his hand resting upon the Holy Bible; and that the oath shall be to the effect that all of the property of the affiant of whatsoever nature or kind within the County where such return is made, is included in the return, and that the value fixed in the said return is fifty per cent of the actual cash value of the property described. Also that the Act further provide that any person who shall knowingly make a false return as to any matter contained therein shall be deemed guilty of a felony, and upon conviction be punished by imprisonment in the State Prison not exceeding five years, or by fine not exceeding Five Thousand Dollars.

And that the Act further provide that the property of any person, who shall not make return thereof as provided by the Act, shall be assessed by the Tax Assessor at its full actual cash value; such value to be fixed by the Tax Assessor; and that a willful failure to so assess such property by the Tax Assessor shall be ground for removal from office.

I also suggest that the passage of an Act which will require every person over the age of twenty-one years, both MALE AND FEMALE, owning any property in this State, including bonds, notes, checks, money, jewelry,



furniture and wearing apparel to make true and correct return thereof to the Tax Collector of the County where such person resides; that the return shall truly show fifty per cent of the actual cash value of the said property and each item thereof; and that any person willfully failing or refusing to make such return shall be deemed guilty of a misdemeanor and making it especially the duty of the Sheriff to institute prosecutions against all persons violating the statute.

#### VARIANCES.

I suggest the passage of an Act which will provide that variances between the allegations of an indictment and information and the proof offered upon the trial, which in the judgment of the trial court do not prejudice the defendant in his defense, shall be deemed harmless error and of no effect upon the merits of the case, and the result thereof shall not be disturbed by reason of such variance.

#### WIFE DESERTION OR NON-SUPPORT.

I recommend the passage of an Act which will prohibit any Committing Magistrate from issuing a warrant charging wife desertion or non-support, without the approval of issuance of such warrant by the Prosecuting Attorney, whose duty it would become to prosecute such charge upon trial. This recommendation is made because, I have learned from experience that a great many women go before Committing Magistrates and swear out warrants against their husbands upon these charges, and when the husband has been arrested at considerable costs to the County, the wife fails to testify to such state of facts as will warrant a conviction. In fact in many cases she refuses to testify at all.

#### WITNESSES.

I suggest the passage of an Act providing for the payment of fees to witnesses who reside beyond the limits of the State of Florida, when required to attend Courts in behalf of the State in criminal prosecutions.

I also suggest the passage of an Act which will authorize Committing Magistrates to require witnesses in

capital cases to enter into bond with two good and sufficient sureties, conditioned upon their appearance at the time required by the Court in all capital cases, and to provide for the estreature and collection of the amount of the bond.

Respectfully submitted,  
RIVERS H. BUFORD,

*Attorney-General.*

Mr. Hulley was excused from attendance upon the body on April 7.

Mr. Bradshaw was excused from attendance until Tuesday, April 12.

Mr. Johnson moved that the Senate do now adjourn until tomorrow at 11 o'clock A. M.

Which was agreed to.

Thereupon the Senate stood adjourned until 11 o'clock A. M., Thursday, April 7.

**Thursday, April 7, 1921**

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Anderson, Butler, Calkins, Campbell, Cooper, Crosby, Eaton, Epperson, Igou, Johnson, Knabb, Knight, Lindsey, Lowry, Malone, Mapoles, Overstreet, Plympton, Rowe, Roland, Russell, Shelley, Singletary, Stokes, Taylor, Turnbull, Weaver, Wells, Wilson—30.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 6 was corrected as follows: On page 10, at bottom of said page, the name of S. W. Anderson is hereby added to the Committee on Education, the said name having been omitted in the Journal of April 5th on such committee, and the said Journal as corrected was approved.